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No.

In The
Supreme Court of the United States

In Re Eurica Californniaa,

Petitioner.

On Petition for the Extraordinary Writ of Habeas Corpus

Petition for the Extraordinary Writ of Habeas Corpus

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**pro se*

Capital Case

QUESTIONS PRESENTED

1. Whether the Writ of Habeas Corpus may be applied for at any time, irrespective of the status of a given proceeding?

2. Whether the high court's printing requirement is too burdensome?

Regarding the terminology used in questions 3 & 4: Using accurate medical diction, concepticide (L. *conceptus* + *caedere*, to kill) means the taking of the life of a conceptus.

3. Whether Government protection for concepticide violates the Second Amendment guarantee of the right to bear arms?

4. Whether the high court intended to derail medical progress and the standard of modernity when subscribing to the practice of concepticide?

5. In view of *Now v. Scheidler*, whether the Government qualifies as an "enterprise" subject to racketeering laws based on government-sponsored murder?

6. In view of *Roe v. Wade*, whether an analysis of monozygotic twinning with dichorionic placentation establishes the suggestion of personhood?

7. Whether the high court has a problem saying no to drugs and abortion?

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court where relief was first sought is as follows:

Eurica Californniaa, petitioner;
Hon. William H. Rehnquist, Chief Justice of the United States, respondent.

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PETITION FOR HABEAS CORPUS

I, Eurica Californniaa, petition this court for an extraordinary Writ of Habeas Corpus.

OPINIONS BELOW

The order of the United States district court for the central district of California appears at Appendix A to the petition and is unpublished.

JURISDICTION

This court has jurisdiction under Supreme Court Rule 20.

The purpose of Habeas Corpus is to provide relief from legal limbo, particularly where life or limb are in jeopardy. By an order entered 6/20/95 striking a petition for Habeas Corpus (see Appendix A) the United States district court for the central district of California effectively suspended access to the Writ. Because the district court left the Great Writ itself in a state of legal limbo, the effects of which are ongoing and substantial, this court has jurisdiction to provide relief by granting the extraordinary Writ.

Why relief cannot be obtained elsewhere:

Relief cannot be obtained at courts below because 1) of mismanagement of the Writ including particular mismanagement at the district court level, and 2) the nature of the relief demands nationwide application.

A defect in the high court's stated prescription for Habeas Corpus is that the court fails to require that a petitioner be provided with the names and addresses of the courts from which relief may be sought, along with appropriate case captions. The problem with this tremendous oversight should be made clear from the following two examples.

In the *People of the State of New York v. Eurica Californniaa*, having been jailed for an infraction[1] in New York State, the facility administrator was unable to give me such information, saying, "We

[1] In New York State an infraction is called a violation.

do not have to give you this information. Ask your attorney." When the administrator says "we do not have to", he was, of course, consulting the high court's prescription, which requires a pen, paper, an envelope, and sufficient postage to be provided, but no where does it say anything about providing the name or address of any court. In this case, since the crime is an infraction, no attorney is provided under law. When the high court was petitioned, the Clerk returned it saying that it was not in certiorari form. Also, when the name and address of a federal judge was obtained from a federal prisoner in state custody, his law clerk, as later described, "opened it, saw it was a petition for Habeas Corpus, put it back in the envelope, and forwarded it" to a self-help division for pro se petitioners located somewhere in New York City.[2] When asked why he forwarded the petition instead of filing it, he responded, "Because I saw it was [a] pro se [petition]." The petition, of course, had been headed "Petition for Habeas Corpus" in capitals and was signed and dated by me at the end. It should, therefore, have been filed immediately. Instead, it was *mismanaged*. I spent 44-45 days in jail without ever being asked to plead guilty or not guilty. When released, I called to find out what had become of my petition. Though I was able to speak to the clerk, the petition itself was never seen or heard from again.[3]

In *Califorrniaa v. Rehnquist*, finding a conflict of interest in Texas' representation of children in *Roe v. Wade*, I sought a Writ of Mandamus to compel the observance of due process of law for the affected children. The district court dismissed, saying that the chief justice lacked ministerial duty. At that point, I applied for Habeas Corpus. The lower court retorted that the case had been "dismissed" and thus issued a minute order striking the petition. However, upon reflection, this example again raises the problem of mismanagement of the Writ. Since the petition was duly headed and dated and signed it should have been filed. Whether the captioning of the petition

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[2] The judge's name was Hon. Barrington D. Parker, Jr., then U.S. District Judge, now U.S. Circuit Judge, and I believe his law clerk's name was Mr. D'Agostino.

[3] The concerns of this past petition are essentially moot except inasmuch as they may be recurring, as will be the case with so many mismanaged petitions, thus emphasizing the fact that Habeas Corpus must be timely managed in order to provide the relief sought; however, the issues related to the question of a court name, address, and case caption to be associated with a petition for Habeas Corpus remain pertinent. Mismanagement or stifling of the Writ means the Writ has been effectively "suspended" in way contrary to U.S. Const. Art. I, Sec. 9, Cl. 2.

under the specific case of *Califorrniaa v. Rehnquist* was appropriate or not should have been strictly irrelevant, since the Writ may be applied for at any time.[4] Therefore, because the lower court refused to honor the Writ, it is evident that relief, at least in some sense, cannot be sought from courts below in this matter. In other words, the Great Writ has been effectively suspended in this case.

The extraordinary Writ is required because the high court needs to determine the relevance of the names and addresses of the courts to a petition for Habeas Corpus, along with the relevance of the case caption, if any, given to the petition. This petition for Habeas Corpus continues as a class all prior petitions that have been mismanaged, or stifled, with singular emphasis on the petition of *Califorrniaa v. Rehnquist*. Because the high court is the supreme manager and custodian of the Writ, the lower courts do not have standing to resolve an unresolved question of Writ management and custody. Moreover, because the standard of the Writ demands nationwide application, it would not be appropriate to attempt to resolve such a question at the district court level.

Inasmuch as this petition for Habeas Corpus continues all prior petitions that have been mismanaged or stifled, with emphasis on *Califorrniaa v. Rehnquist*, the most important claims consistent with the specified petition are incorporated into this one; for it remains the standard with Habeas Corpus that all claims be included in a given petition. Additionally, the claims for relief being sought herein are of the sort requiring nationwide application such that only this court, compared to inferior courts, is in a position to fully administrate their outcome in the interests of justice.

In view of the present petition and the requirements associated with presenting it, an additional question is raised concerning the court's printing practice. For at least in a Habeas Corpus petition, a petitioner should not have to go to unusual lengths to present his or her petition to the court.

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[4] Presumably, according to district court practice, if the petition for Habeas Corpus had been captioned separately from the case of *Califorrniaa v. Rehnquist*, the petition would likely have been forwarded to the very same judge under the auspices of a related case. This observation would appear to make the lower court's refusal to honor the Writ seem all the more peculiar. It may also be noted that the concerns associated with that particular petition for Habeas Corpus are no less relevant today than they were at the time of original filing. A stay of lethal execution was sought in the same petition; thus, this is a capital case.

CONSTITUTIONAL PROVISIONS INVOLVED

The provisions of U.S. Const. Preamble; U.S. Const. Art. 1, Sec. 9, Cl. 2.; and U.S. Const. Amends. I, II, IV, V, VI, and XIV are set forth in Appendix C.

STATEMENT OF THE CASE

From the examples given in the above section on "Why relief cannot be obtained elsewhere" it is evident that numerous petitions for Habeas Corpus have been mismanaged or stifled. The most tragic example occurs in the case of *Califorrniaa v. Rehnquist*; for in this case the Great Writ was carelessly denied to children in jeopardy of homicidal acts. On 2/3/95 I filed for a Writ of Mandamus to secure due process of law to the unborn; the chief justice was named only because the foremost ministerial duty of a judge is to make sure that people get fair trials, and therefore the ultimate duty falls upon the highest ranking judge when fair trials are being denied. The case of *Califorrniaa v. Rehnquist* was dismissed, entry 5/25/95, citing a lack of ministerial duty. On 6/8/95 I filed a petition for Habeas Corpus, titled with the caption of the same case; rather than addressing the petition for Habeas Corpus, the district court simply retorted that the case had been "dismissed" and struck the petition. The minute order of the U.S. district court for the central district of California, entry 6/20/95, which had the careless effect of mismanaging and stifling the Writ, is transcribed in Appendix A. A copy of the petition for Habeas Corpus in that case is transcribed in Appendix B.

REASONS FOR GRANTING THE WRIT

Using accurate medical diction, concepticide (L. *conceptus* + *caedere*, to kill) means the taking of the life of a conceptus.[5] In subscribing to concepticide, the high court has become what the Framer's feared most for our Government: That mix of despotism and tyranny which undermines the equality of the created.

The Preamble, which was written to be the first interpreter of the Constitution, indicates unborn person status when it secures the

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[5] It may be noted that "abortion" is a complicated, varyingly defined, and non-unambiguous term.

blessings of liberty to our posterity. In this regard the unborn fall into two categories: those who are created and those who are yet to be created. Naturally, those who are created must therefore be secured the blessings of liberty both as members of our posterity and as members among ourselves. For this reason, the whole Constitution is subject to regard for unborn personal security, not merely a given amendment such as the Fourteenth Amendment.[6,7]

Broadly speaking, according to this petition the high court is being asked to apply the Great Writ on behalf of all who are subject to the Writ's mismanagement. The high court is especially asked to redress the grievance that nowhere is this trend of mismanagement more evident than in the denial of the Writ to the unborn.[8]

Whether the Writ of Habeas Corpus may be applied for at any time, irrespective of the status of a given proceeding?

This question has been substantially addressed in the above section on "Why relief cannot be obtained elsewhere". To apply at anytime irrespective of the status of a given proceeding incorporates the question of the relevance of a case caption. In some sense, even if a case has been dismissed, captioning a Habeas Corpus petition with the title of the same case simply indicates that the petition is related. The high court has not established clear and manageable rules concerning the court names, addresses, and case captions that are required for a Habeas Corpus petition; consequently, the high court has neither addressed the manner in which such requirements are to be articulated on behalf of prospective petitioners, nor the manner in which applied-upon courts should handle any deficiencies in a petitioner's observance of such requirements.

Historically, the high court's omission likely hinges upon a problem of what are potentially multiple jurisdictions for the Writ. For example, a petitioner might have available federal, state, and local ministers of the Writ. In addition, there may be ordinary and

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[6] Compare comments made by Justice Scalia in *Stenberg v. Carhart*; also note that the court gave emphasis to the Fourteenth Amendment in *Roe v. Wade*.

[7] Regarding the conception versus delivery of a child, in *Califorrniaa v. Clinton* I reflected that patent law evolved to recognize "conception" as the onset of rights, as opposed to delivery of an invention into the hands of the Patent Office. In the case of procreation, conception and reduction to practice are simultaneous.

[8] As a reminder and specific example, this is precisely what the district court did by mismanaging my petition for Habeas Corpus in *Califorrniaa v. Rehnquist*.

extraordinary examples of ministerial duty regarding the Writ, as well as multiple sources of obtaining the Writ within the various levels of government.[9] Since it would be difficult to anticipate each of these sources of the Writ without establishing a clear national picture for the ministry of the Writ at all levels of government, it appears that the high court has simply left the matter untreated and unresolved over the course of time.

Whether the high court's printing requirement is too burdensome?

To what may we liken the court's fancy booklets? It is like having to wear a powdered white wig every time you approach the sovereign, unless of course you are a pauper!

Presumably, no one yet has bothered to inform the court that the rest of the world now uses 8½x11 size paper, and that its fancy booklets can only be made by cutting down 11x17 size paper.[10] This implies a tremendous amount of waste, not only in paper, but also in the task of transcribing text from lower courts to fit the new size, rather than simply attaching photocopies. The modern standard, of course, would be for the court to accept a single clear copy on 8½x11 size paper, upon which the Clerk will convert the document into electronic form. Thereupon, justices who prefer hard copies can simply print theirs out using a laser printer. Additionally, being in electronic form, all papers presented to the court can be made available to the public over the Internet.

Aside from making sense in itself, requiring a single copy is also better suited to modern security concerns. For one thing, a single copy will reduce the bulk of mail and the size of packages delivered to the court. For another, given the real threat of biological hazards, security screening of a single copy with conversion to

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[9] For example, a prisoner, though made aware of the name and address of a federal court where he or she might seek the Writ, may nevertheless claim to have been deprived of access to the Writ if the name and address of a state court (or local court) was not also provided, given that he or she may happen to prefer resolution in a state court (or local court) if recourse to the Writ is also to be found there.

[10] Assuming saddle stitch binding. Even large printers specializing in printing for the court cut down 11x17 paper (a waste factor of 39%) because it is the closest standard size. A small change would have made the booklets amenable to folded, uncut legal (8½x14) size paper (i.e. 7- by 8½-inch booklets).

electronic format seems more advisable than passing hard copies throughout the court.

Requiring a single copy will also save postage costs. To save costs even further, and to further reduce security concerns, parties should be able to transmit their documents over the Internet in an acceptable electronic form. It may be noted that the U.S. Patent and Trademark Office accepts a single hard copy on 8½x11 size paper, with subsequent conversion to electronic form, and that electronic submissions are now accepted over the Internet. Unfortunately, their electronic submission method is inferior to what one would expect, and so few can use it. For unknown and undoubtedly amazing reasons, our Patent Office now seems bent on changing everything to "European" standards.

The most excellent method of electronic submission would appear to be along the lines of a secure online account, like a stock trading account, which offers the conversion of documents into "Portable Document Format" (PDF), or other preferred format, for those who have not already converted their documents into the preferred format. It is important that the preferred electronic format be searchable. Accounts such as this are well known in the academic community, as many scientific journals now rely on this method for the submission of manuscripts. Notably, those requiring assistance can compose their petitions online, and they may be guided step-by-step via entry forms or other aids to make sure their petitions have the proper captions and parts; an answer box may be included to answer questions submitted to the Clerk, and the Clerk can annotate any corrections needed to comply with the Rules. Also, third parties may be given permission by the user to view the petition to improve its content before submission; the court may maintain a list of bar members or law students who will perform such a service, whether for a fee, pro bono, or as a part of law school. Because petitions with poor content present a burden to the court, a user-friendly means to improve content should be welcomed.

Online accounts will enable users to manage their cases as well as to make and receive submissions (submission being received from other parties to a case) or to receive notices or decisions from the court and to pay fees. Payment of fees can be accepted by popular electronic means (e.g. credit card or Paypal) and can also be sent by surface mail with an attached reference number.

A great deficiency of the Patent Office's current method is that it relies on an all-or-nothing methodology, in view of the fact that some have no access to the means to convert a drawing into an electronic format. In such a case, it would be preferable to use electronic submission for the specification, and to submit the drawings by surface mail so that the Patent Office can apply the conversion. Instead, in such a case the Patent Office requires the whole application to be sent via surface mail. However, this presents a disadvantage in that photoelectronic conversion can introduce reading errors into a text such as the specification, whereas direct conversion from one electronic form (e.g. Word document) into a preferred form (e.g. PDF) typically would not.

Therefore, it seems most advantageous to accept surface mail to the extent that electronic submission is not possible, whether in whole or in part. For example, many IFP petitioners will be able to send or upload the text of their petitions over the Internet or submit it by mail on disk, because they will likely use a word processor to write the text. Consequently, this enables electronic-to-electronic conversion of their petition. However, attached copies of decisions will often need to be sent by surface mail, since the means to photoelectronically convert such documents is not as accessible.[11] Of course, there is an option to send the whole thing in as a hard copy, however, as with the Patent Office problem, some users may wish to avoid this, since then they are running the risk that photoelectronic conversion may introduce reading errors into their petition depending on the fonts used and the clarity of the copy. Thus, having the text of their petition already in electronic form, they may wish to submit it electronically so as to derive the preferable benefit of electronic-to-electronic conversion.

There is some notion that certain formats for displaying text are more amenable to speed reading than others. This issue is particularly important when a lot of reading is required. In this respect, some might have found the small booklet format to be superior to the standard 8½x11 format. However, there may be other formats which are even more preferable still, especially to individual users. Accordingly, another benefit of electronic conversion is that justices and law clerks will have greater flexibility over the way text is displayed for their reading convenience. For, given the proper

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[11] Some courts offer electronic decisions and filing *only* to bar members!

functionality of the system, different modes of display (e.g. font type, font size, line spacing, page margins, etc.) can be selected. Also, given the prospect of future advancement in the art of speed reading, alterations of text can even be made to improve speed reading using software.

Thus, in contrast to modern methodologies, the high court's current methodology would seem burdensome enough to warrant a petition for Habeas Corpus in itself! Notably, a petitioner for the extraordinary Writ of Habeas Corpus proceeding pro se, but not IFP, may find the printing requirement especially burdensome.[12]

Whether Government protection for concepticide violates the Second Amendment guarantee of the right to bear arms?

This question presents kind of an interesting legal theory. On the one hand, the Second Amendment would not exist if the right to bear arms required government permission or backing. On the other hand, it would be contrary to government to allow the right to be exercised against the Government itself.

Therefore, to avoid this contradiction, when the Government acts in such a tyrannical or despotic way that perfect conscience indicates the need to bear arms against the Government itself, then at this point it must be held that the Government, by prohibiting the bearing of arms against itself, has in effect violated the Second Amendment guarantee of the right to bear arms. Thus, having been prohibited from exercising the right where the need exists, the members of the public should have standing to sue under the Second Amendment. What is particularly interesting about this legal theory is that it addresses a question of standing.

People often have a hard time establishing legal standing to stand up for victims of bad government. For example, does a person off the street have standing to represent unborn children in court? Rather than addressing this point, if the person can show that the children are being subjected to such tyranny or despotism as to warrant "armed" intervention, then the person could in effect argue the need for reform simply on the basis that his or her own right to bear arms is being violated, based purely on the need to intervene.

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[12] Note, however, that even an IFP petition may encounter delays if the request to proceed IFP is denied; also, preparation of the motion to proceed IFP involves an added burden, but this would appear contrary to the perspective that the Writ should be unencumbered by any added burden.

For, inasmuch as the Government would act to prevent him or her from bearing arms for a proper cause, even a cause against the Government itself, then the person in effect should have standing to sue under the auspices of the Second Amendment. In other words, since the Government would of course act to restrain the exercise of the right to bear arms if such were to be directed against itself, in effect the Government, at that point, has violated the right.

Notably, this theory of the Second Amendment is important because it suggests that ordinary people have legal standing to sue for an end to the sort of despotism and tyranny that mainly affects helpless third parties. The theory may be extended further by arguing that extremes of tyranny or despotism on the part of the Government invoke a burden of bearing arms even if arms cannot be borne due to government opposition. The extension occurs by recognizing that the notion of a "burden" would extend even to non-combative arms such as the pen, as opposed to the sword. In other words, by being so tyrannical and despotic as to harm a third party in such a way that it demands in effect anyone's intervention, one could in effect argue that the Second Amendment has been violated, even in the case that one in particular is not at all the sort to raise weapons. Instead, the Second Amendment could be invoked simply on the ground that one has been unreasonably burdened by "the call" to defend the innocent against the Government's tyranny and despotism.

Whether the high court intended to derail medical progress and the standard of modernity when subscribing to the practice of concepticide?

Although clearly the presumable answer is, of course, no, one questions whether the court now realizes that this has been the case, and that this outcome should have been completely anticipated beforehand. In *Roe v. Wade*, the court foreshadows this outcome by dismissing the Hippocratic Oath as but one tradition in the history of medicine. This outcome was foreshadowed since it was simply this tradition alone that led to the advent of modern medicine. In contrast, the other traditions led to inferior outcomes, such as the one we presently suffer. In other words, by abandoning the tradition of the Oath, the court should not really be surprised that the course of modern medicine has been significantly derailed.

The American College of Obstetricians and Gynecologists (ACOG) was founded in 1951. When the birth control pill was

introduced in the 1960s, a debate ensued with the Catholic church. Proponents idealized the pill as something that keeps the stork away. The church condemned it as unnatural. Then it was realized that the pill can kill a baby at least up until implantation. Proponents were indignant over the thought of having to concede to the church on this ground, since at least apart from this ground they felt the church was wrong anyway. The ACOG stepped in and provided a rationalization scheme. The ACOG redefined pregnancy and conception as centering around implantation, so that the pill could be called a 'contraceptive' and the public could be taught that 'abortion' does not result from its use.[13] Thus, for helping to preserve a mythical status for the pill, women's groups latched onto the ACOG; or, looked at another way, the ACOG latched onto them. The ACOG then took the bold move of supporting abortion. If the high court had condemned abortion like it should have, the ACOG would have faded away in disgrace for advocating abortion. But since the court sided with abortion, the ACOG emerged as the noteworthy "authority" in women's health care. Hence, in historical light, we may understand why the ACOG has risen to its present stature. For although the ACOG is mainly a political lobby obsessed with birth control and abortion, the course the nation took regarding these matters proved to parallel its own.

Historically, modern medicine starts to begin around 1850. Nothing particular happened that year; though to place the beginning at 1800 would be too early, and to place it at 1900 would be too late. Hence, splitting the difference, 1850 provides a good reference point for the early start of modern medicine. For example, the American Medical Association was founded in 1847. By 1900, the modern world had grown out of the ground like a mineral crystal. Within a short time, the paradigm of modern medicine was more or less established. So it is mostly fair to say that modern medicine was basically already established by 75-100 years ago.

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[13] The American Medical Association and the U.S. Food and Drug Administration have joined this strategy in reference to the morning-after pill, which is the double dose cousin of the traditional birth control pill. Rather than explaining to the public and consumers that the pills have a concepticidal effect until at least implantation, instead, using the definitions fabricated by the ACOG, they misguide the public by saying that the pills are 'contraceptives' and will not cause an 'abortion' or harm a 'pregnancy' if already started.

But medicine for ladies took a slightly different course than the rest of medicine. Unfortunately, it is fair to say that in the past 100 years women's health care has been directed by anxiety first and medicine second. The main reason is that men selected to be ladies doctors have traditionally been very sensitive to ladies. Simply put, ladies would tend to reject men bearing a stark intellectual focus. For example, in the early 1900s when a woman gave birth to an attending physician at the hospital, there always had to be a sheet draped over her legs. If there was a complication, the doctor had to go under the sheet. The reason was that ladies spend a lot of time pending on other people's imaginations. Without the sheet, people will imagine the naked side of a woman's legs, and hence they will start imagining more directly as to where the baby is coming from. But with the sheet, the baby simply appears out from under the sheet. Thus, even though other people are not in the room to actually see the blessed event, because women worry about what people will be imagining, the sheet always had to be there.

In some Middle Eastern cultures, a doctor today is expected to use a mirror when he examines a woman's genital area. He is not really supposed to look at her directly in this area. This is because women might have a hard time explaining why it is different for a doctor to look, as opposed to any man who is not the husband. This is especially true in Muslim culture, where a large number of women are fastidious about concealing their bodies from the view of other men. Understandably, if a doctor were to rebel against this practice, he would be excluded. In contrast, physicians who extol the practice as being proper to medical dignity are well received. In this way, we may begin to understand that medicine for women is shaped mostly by social and cultural selection.

By the mid-1900s, doctors were well aware of breast cancer. However, though it went against better medical judgment to do so, they largely suppressed this knowledge from the public. The reason was that women would have been mortified to let the public know that they could have a disease of the breasts. In this country, the term breasts was not widely used until the late 1960s, and even then it was rejected by many. Unlike "breasts", which is a plural term referring to a left one and a right one, the public before used the singular terms bosom and bust. From the frontal perspective, the bosom was a symbol of a woman's moral identity. From the side view, the bust presented the classic profile of every woman. Domineering women

regimented ladies into bust conformity; and no perks or frills were allowed, which was ultimately what women in the late 1960s were rebelling against when they burned their bras.[14] Instead, ladies were expected to uphold the classic profile and moral identity of every woman. Thus, it is easy to understand that some time ago women actually preferred death rather than to let people know they could have a disease of the breasts, and that for example the left one had cancer and it was spreading throughout her body. Indeed, especially since breast cancer is not contagious, it would have made it seem as if her moral identity and profile were corrupt, and people would have wondered what she did to cause it. Hence, acting against good medical judgment to suit female anxieties, the medical community simply suppressed public knowledge of breast cancer. Thus, it is fair to say that in the past 100 years women's health care has been directed by anxiety first and medicine second.

If anything, the situation with women's health care today has worsened in favor of giving into anxieties despite sound medical practice. A number of women are extremely volatile and resentful of discipline. Thus, without being exceptionally sensitive to ladies, especially the more volatile ones, a physician would not be allowed to function. In effect, this explains why doctors have always felt the need to serve anxiety first and medicine second when it comes to women's health care. For this reason, it is easy to see why an outfit like the ACOG has garnered political favor with women. Having pacified the more volatile ladies, the remainder tends to be docile and unquestioning. Thus, since mainly only the volatile ones will challenge physicians, pacifying them turns out to be the path of least resistance for medicine to follow. Since women in general tend to inflate the stature of their physicians to increase their own sense of security, then by avoiding challenges from the more volatile sorts, women's health care physicians easily garner broad esteem.

In proposing that abortion is safer for women than birth, the ACOG made essentially the same mistake as Aristotle. The Swiss psychologist Jean Piaget taught that people sometimes have trouble understanding the implication of variables; for example, young children often think a tall narrow glass holds more water than a short

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[14] The trend of anxiety-driven regimentation still continues; for example, women are generally prevented from going topfree at the beach. Likewise, even the trend of moms allowing girls to play sports might be better attributed to advancements in hygiene protection than to any liberation from underlying anxiety.

wide glass of equal volume. In this case, Aristotle made the mistake of presuming that abortion would reduce the population in free society. Although the immediate impact of taking a life is, of course, to reduce the population, in the long run women have replacement pregnancies to compensate for the loss, regardless the cause. Thus, in free society abortion increases the pregnancy rate, rather than decreasing the population rate. This implies that abortion is in general a compounding risk factor, rather than a mitigating one. Meaning, if a woman is inclined to raise three children, she will continue getting pregnant until she has three surviving children. Thus, abortion forestalls her natural course in this respect, and brings with it added risks and complications for a woman's health.[15]

Abortion causes other harm to society. For aside from the homicides themselves, society must work to rationalize the killing. Inevitably, society then chooses leaders who are despotic enough to comply with the rationalizing. However, complex rationalization is hard for young children to accommodate.[16] This explains why American youth, having been taught that respect for life is merely a "choice", have been killing their classmates in acts that are akin to abortion. Also, youth are becoming suicidal because their parents sometimes inadvertently question whether they should have had an abortion instead, and these feelings, which are sensed by the child, can be especially painful since they come at a time when the child is struggling to face milestones. Hence, suggesting abortion as a kind of "choice" has a detrimental impact on the formation of the parental conscience, and this in turn has an adverse impact on the life of the child. Thus, Aristotle's error of support for abortion is seen to be so harmful to society that he deserves to be known as "Erristotle".

Hugh Hefner, who I call the Erristotle of Sexual Philosophy, is very much like Aristotle in this regard. In Aristotle's time, they believed philosophy was a kind of technology, and that they would solve society's problems by sitting around in a circle and using reason in the manner of discourse. But society still had problems, and when pressed for what to do, Aristotle said in effect, "Kill the

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[15] "Death rates for D & E have been reported at approximately 7 per 100,000, comparable to a term delivery."—Danforth's OB/GYN (2003), p. 576.

[16] Notably, complex rationalization is also hard for the mentally handicapped to accommodate. Unable to rationalize the killing of children like others in society, in theory this might explain why John Salvi may have taken the initiative to defend the children alone, having pleaded for help at his church unsuccessfully.

unborn children." Hugh Hefner made the same error. Hefner came up with a jazzy new philosophy to the effect that we are all erotic human individuals in search of sexual consent and that it is really in our nature to explore sexuality, and so no one should be embarrassed by the sight of a pretty woman unclothed or even by the taboo of sex outside of marriage. On the outside, people loved the "Playboy" philosophy. Like Aristotle in his day, Hugh Hefner was quite the man. But on the inside his philosophy still had some bugs, and so people were coming to him behind the scenes, saying in effect, "You ruined my life! I have a wife and kids and now my secretary is pregnant!" Rather than ironing out the bugs in his philosophy, Hugh Hefner did what Aristotle did, by saying in effect, "Kill the unborn children." And, hence, it was Hugh Hefner's outfit that footed the bill for a portion of the legal costs for *Roe v. Wade*.

Thus, the court may begin to appreciate that not only has medical progress been derailed by support for concepticide, but also the standard of modernity. Today, prenatal and perinatal homicide is widely practiced in the United States under the auspices of abortion. Notably, neonatal homicide was once widely practiced in our nation's past. The distinction between abortion and the post-partum infanticides of the past is simply that abortion provides a discrete technology for the killing. The social desire of primitive medicines to provide discretion in this regard can be found among certain tribes of South America's Amazon jungle; for although they lack the technology to kill the child before the head emerges, they insist that the killing must take place in such a way that the child is not allowed to cry; otherwise, the forest, which is a symbol of judgment, will be angry. In other words, discretion demands that cries not be heard. In parallel, to be discrete in today's United States in effect demands abortion. Thus, associated with the aura of being discrete is the notion that abortion, to quote the court, is a right to *privacy*. [17]

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[17] It may be noted that feminist leaders in the 1960s put abortion at the forefront of their objectives because they worried that the currency of feminist ideas would otherwise be stifled, given that traditional matriarchs feared young women would end up pregnant with no way out if they listened to feminism; thus, to assuage the panic feminism was causing for domineering women, especially over the thought of the pregnancies that would ensue, legal abortion provided a psychological relief valve—a way out in their minds. Thus, feminist leaders put legal abortion at the forefront because they felt it was essential to coaxing tough, traditional women to start lightening up. In other words, the idea of legal abortion inclined some older women to allow feminist ideas to flourish among younger women, simply because

In view of *Now v. Scheidler*, whether the Government qualifies as an "enterprise" subject to racketeering laws based on government-sponsored murder?

I make the broad criticism that the United States does not have any law schools; instead, what the nation calls law schools are merely schools of procedure and policy. For rather than studying law, the students study a vast compendium of loose decisions commonly known as case law, and the idea of modern law school is simply to access this ever-growing compendium more rapidly using computers.

The total looseness of the compendium may be understood from the perspective of *Hiibel v. Nevada*, which reads like a joke about "How many justices does it take to screw in a light bulb?" The punch line would seem to be "Apparently, more than nine!" For when asked a simple question ("Do you have to give your name to a peace officer?"), rather than answering the question, the high court attempted to place it in the context of limited strategies dependent upon the "latitudes" counsel might pursue: If counsel argues that a Fourth Amendment right is involved, then yes, you have to; but if counsel argues a Fifth Amendment right is involved, then, the court is unclear.[18] Yet, the looseness of this addition to the compendium is perhaps made clearest by the fact that the court does not even bother to consider whether the great "First Amendment right to say nothing at all" would have obviated the entire matter; instead, the court does not consider this issue, simply because it was not raised by counsel, a public defender who presented the case![19] And this occurs despite

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with legal abortion they knew young women would have a private way out should the unthinkable pregnancy happen to occur. From this analysis, note that feminism did nothing to curb the underlying anxiety that older women have for the problems of younger women; instead, abortion simply provided a cover-up, not any form of acceptance for the pregnancy situations young women might end up with.

[18] "The majority reserves judgment about whether compulsion is permissible in such instances. Ante, at 13. How then is a police officer in the midst of a Terry stop to distinguish between the majority's ordinary case and this special case where the majority reserves judgment?"—Justice Breyer dissenting.

[19] Inasmuch as "counsel has wide latitude in deciding how best to represent a client" (quoting *Yarborough v. Gentry*), then review must consider the latitudes omitted in order to be complete. Thus, one reason for the looseness of the appellate compendia is that many of the decisions are academically incomplete. However,

the fact that in numerous other cases the court will remind people that they had a First Amendment right to say nothing at all, and so the consequences of speaking are of their own doing.

At American schools, the study of case law is preceded by learning a vague sense of 'principles'. The students are then taught to examine case law to see how these so called principles combine in one case with certain sentiments to lead to one outcome, but how the same so called principles combine with other sentiments in another case to lead to what is essentially the opposite outcome. The students are then taught to be mindful of the way principles and sentiments combine, so that they can be on the favorable side of the outcome someday when their own cases are heard.

An example of this state of affairs is provided by comparing *NOW v. Scheidler* to *Califorrniaa v. USA*. In *NOW v. Scheidler* the court was asked if churches are subject to racketeering laws in view of the argument that Congress never intended for this type of entity to be treated as an "enterprise" for the purposes of the racketeering statutes. The high court ruled that it was not simply adding a new set of entities to the list, but that instead it was following a general principle: Racketeering is wrong, no matter what kind of enterprise engages in it. But in *Califorrniaa v. USA* the sentiments combined with this 'principle' in a different way. So, despite the fact that under the broad definition of *NOW v. Scheidler* the Government is the largest "enterprise" in the United States, the answer came in effect: Congress never intended to add that sort of entity to the list of enterprises that could be sued under racketeering laws.

Under the vast compendium of loose decisions that forms the basis for American law, principles tend only to apply when they are vehicles of sentiment. For this reason the high court must be asked whether the Government qualifies as an "enterprise" subject to racketeering laws based on government-sponsored murder. The murders in question here are those of a concepticidal nature, for which the Government is notorious. It may be noted that the Government sponsors murder in this regard mainly by providing security, logistical support, and some amount of funds to those directly engaged in conceptidical activities, and by conspiring to obstruct justice.

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our appellate courts have been averse to considering the omitted latitudes, mainly because counsel will often omit latitudes based on signals from the bench.

Perhaps no where is the conspiracy to obstruct justice so concisely exposed as in the Senate confirmation hearing testimony of now U.S. attorney general John Ashcroft. Erasing any doubt about the disreputable stature of his profession, Ashcroft reveals to us what has become the anthem of the American attorney: Currency first, law second.[20]

In the following excerpt from the second day of testimony, Ashcroft lets Sen. Dianne Feinstein know that he will not pursue due process of law for unborn children in the courts, because the high court "signaled" that "we don't want to deal with" due process of law in this type of case, and that going there in that direction would jeopardize "currency" (meaning the social reception) with the court, and that instead by pursuing other latitudes the court would return the favor by allowing him to "succeed on other issues".[21] Is this not the anthem of the American attorney, epitomized by the attorney general himself? Rather than pursuing due process of law for all people great or small, and for all cases regardless of their publicity or profile, instead the currency-minded attorney looks cautiously to what the judge signals; if the judge signals "don't go there" in a given case, then mindful of his or her currency with the court, the attorney saves due process of law for another time; in return, the court may allow the attorney to succeed in other cases, perhaps with an influential or high-profile client, using the pretense of technicality even though the merits of the asserted technicality may be lacking. The courts use this practice to usher small and non-profile parties through the turnstile, and to inflate appreciation for the legal system in view of greater or high-profile parties. By going along with the flow, attorneys maintain social currency with the legal system[22] in a way that also makes it much easier for them to earn currency in the sense of financial reward.

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[20] It is important to analyze that in this testimony the prospective attorney general, who will represent the Executive Branch, is conspiring with the Senate, which represents the Legislative Branch, to enable the high court, which represents the Judicial Branch, to avoid facing due process of law for children in pre- and perinatal life who are in jeopardy of homicidal acts; accordingly, the testimony duly exposes the fact that this conspiracy implicates all three branches of the Government.

[21] Implied here is that these "other issues" are ones that might require somewhat of a bending of the rules in order to succeed, as in one hand washing the other.

[22] It may be understood that Ashcroft's testimony in this regard secured him his confirmation.

FEINSTEIN: When you said yesterday that Roe was a settled question, does that indicate that you accept this adjudication and that you will use all of the elements of your office to support it?

ASHCROFT: I believe that both Roe and Casey and, I guess--is it Stenberg; is that the most recent case that related to the Nebraska statute?--are settled law. In the application for certiorari, I think on t..e Stenberg case, there was a request by one of the parties that Roe be reconsidered. The Supreme Court has signaled very clearly it doesn't want to deal with that issue again. I would say that I do not want to devalue the currency of the solicitor general of the United States by taking matters to the Supreme Court on a basis which the Supreme Court has already signaled: We don't want to deal with and were unwilling to deal with. I think, you know, the solicitor general of the United States has some standing and prestige in the United States Supreme Court, and to consistently go back to the court insisting that the court do what the court has indicated that it doesn't want to do devalues the ability of the solicitor general in other matters. It not only is thus a losing proposition, but it is counterproductive as it relates to the ability to succeed on other issues in the Justice Department. And therefore, accepting Roe and Casey as settled law is important, not just to this arena, but important in terms of the credibility of the department.[23]

If the U.S. attorney general is interested in following the law, then why did John Ashcroft omit a coroner's testimony in his recent partial birth abortion cases? The answer is because the high court has "signaled" not to pursue due process of law; instead, Ashcroft's "currency" would be at stake if he pursued latitudes other than to call

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[23] A sad and painful irony unforeseen in Ashcroft's testimony is that he comments on the standing and prestige of the solicitor general to explain his promise not to pursue due process of law. The former solicitor general, Theodore Olson, lost his wife in the Sept. 11 terrorist attack and, as a consequence, he presumed to fight the battle against terrorism. Yet, the truth be told, if we consult available statistics, more children die at the hands of terror doctors each day in the United States, at abortion clinics alone, than all the people who died in the Sept. 11th attack! Thus, by avoiding due process of law to suit their currency before this court, American attorneys like John Ashcroft and Theodore Olson permit a daily terror attack on America's children exceeding the death toll of the 9/11 attack itself. Using Alan Guttmacher Institute statistics, 1.31 million abortions per year divided by 365 days per year gives a daily average of 3,589 lives. This overlooked estimate tragically overshadows on a daily basis the 3,000 lives lost in the Sept. 11 attack.

the act "gruesome" by community standards. But surely any judge, including each one of the high court's justices, must be strictly aware that only the coroner has proper legal standing to make an official determination of a cause of death, and that, in contrast, women's health care physicians and psychiatrists only have standing to offer supplemental testimony if the court will allow it.

So when any of the high court's justices pretend they are just following the law, they are not really being honest, for each of them has disregarded established standards of due process of law. Simply put, the court fails to demand a coroner's statement! If abortion were truly a debate, then judges and lawyers on both sides would be eager to hear from the coroner. Instead, none bothers to call the coroner, because it is foreseeable that the victim's cause of death will not be ruled self-inflicted, natural, or accidental, thus leaving homicide as the official determination. Moreover, the coroner will not be able to project the distinctions associated with *Roe v. Wade* onto the cause of death, for it is not possible for forensic science to distinguish between a stab wound made when a birthing child's head has just emerged (Fig. 1) versus when the feet have emerged but not the head (Fig. 2). Instead, the distinctions of *Roe v. Wade* are artificial ones, not ones that can be invariably recognized by forensic medicine.

Having concluded that a child with a stab wound to the back of the head and the cranial contents removed is a victim of homicide, it follows that the baby was made a victim of homicide apart from receiving due process of law. Remember, according to the coroner's office, homicide is homicide even when a peace officer, soldier, government executioner, or doctor performs the act of homicide, and even if the act of homicide took place in self-defense. Hence, even if counsel elects to pursue inferior latitudes, by failing to call the coroner the high court undermines the very integrity of due process of law, as do each of the courts below.

The inclination of the high court to undermine due process of law is perhaps best (or most concisely) revealed in the dissenting opinion of Justice Thomas in *Stenberg v. Carhart*, the partial birth abortion case. To begin with, I reflect that at last count the U.S. Supreme Court was divided 6-to-3 in favor of those who support *Roe v. Wade*. However, note that the three opponents do not stand at all for due process of law regarding the children. Instead, none of the high court's justices do! Thus, the court's inclination to undermine due process of law is strictly *unanimous*. Thanks to Justice Thomas'

own words, this situation is perhaps best understood in reference to the painful era of slavery in the United States.

During that era, the pro-slavery camp was divided into two factions: Those who felt slavery should be nationally observed, and those who felt each state should decide whether it wanted to permit slavery or not. Those who felt slavery should be nationally observed were the extremists. But it was those who favored a state's right to choose who won out. In contrast, regarding abortion policy, the national extremists have won out. On the other hand, the remaining three justices express their "state's choice" opinion of abortion this way in *Stenberg v. Carhart*—with Justices Rehnquist and Scalia concurring, Justice Thomas writes: "Although a State may permit abortion, nothing in the Constitution dictates that a State must do so." This position literally parallels the pro-slavery view of the slavery era regarding a state's right to choose.[24] This parallel can be seen simply by substituting the word slavery for abortion, so that Thomas' position reads: Although a State may permit slavery, nothing in the Constitution dictates that a State must do so. Thus, no justice of the high court appears at all motivated to suggest due process of law when it comes to the rights of the children.[25] Notably, failure to make such a basic suggestion is on par with the treatment of selected persons by the high court under the slavery era of the past. And so, deceitfully enough, the court relies on currency-minded attorneys like John Ashcroft to avoid facing the scrutiny implied by due process of law.

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[24] Many organizations and individuals called "pro-life" by the press hold this view which is parallel to the "state's choice" view held during slavery. For example, according to a statement made by the National Right to Life Committee, "National Right to Life believes that *Roe v. Wade* should be overturned, the result of which would be to allow elected legislators to enact protective legislation to the degree desired by those who elect them."

[25] Note that quite contrary to the Golden Rule ("Do unto others as you would have them do unto you."), the Democrats have put Republicans and the Pope in full charge of defending the rights of unborn children. Yet by commensurate analysis, how would they feel if someone put the Pope and Republicans in charge of their rights?—for example, in charge of women's rights? As a case in point, in *Roe v. Wade*, Texas behaves like every young man who wants the court to understand the situation in favor of a compromise rather than having to legitimize his own child in the whole sense. This is why, in his own subtle way, in fn. 54 Justice Blackmun says Texas "faces a dilemma" and, as a consequence, he concludes, "In short, the unborn have never been [legitimized] as persons in the whole sense." But instead of saying "legitimized" he quietly substitutes "recognized in the law".

The high court's reliance on currency-minded attorneys is further reflected in a suspicious history of grossly favoring law clerks from Harvard over ones from Yale. Though Harvard and Yale are roughly equal in merit, Harvard has long been regarded as No. 1; and consequently, Harvard alumni, being more deeply conscious of the social value of being ranked No. 1, would be less likely to challenge the public's perception of the high court's legal esteem; thus, the court has traditionally flanked itself with a preponderance of law clerks from Harvard. In other words, the court enjoys much currency with the public, because the public esteems the high court as being at the very top of a legal system that is ranked No. 1 in the world. Thus, Harvard alumni, mindful of the value of their own social currency for having attended the nation's No. 1 law school, and the esteem it implies, are more sensitive to any threat or challenge the high court's currency might face before the public, for example in view of travesties. Consequently, the high court has felt its currency will be better guarded by Harvard law clerks.

Yet the deceitful practices that the high court's law clerks are expected to keep quiet about are shocking. Two questions to be put to high school civics teachers will easily clarify this matter:

1. The U.S. Supreme Court is a court of _____.
   A. legal review
   B. literary review

2. The case of a petitioner whose rights have been clearly violated based on principles of law that have already been well established in the literature is _____ to be granted review.
   A. more likely
   B. less likely

Unlike the pre-Certiorari Act impressions of the court's role in administering justice held on to by our schools, the answers the court observes are B. literary review and B. less likely. For rather than righting all wrongs at courts below and instilling discipline where clear travesties present themselves, the high court is writing its own version of Harvard or Yale Law Review. In other words, the court is offering its own *literary review* of the nation's proceedings, not a supreme effort to right wrongs. And so rather than being more

likely to be granted review, the case of a petitioner whose rights have been clearly violated based on principles of law well established in the literature is truly *less likely* to be granted review, simply because review will add nothing to the literature, having already been well established. On top of this deceit, the court presumes to resent the anger of petitioners who are dumbfounded that their petitions are overlooked. This situation leaves the filing clerks barraged by traumatized petitioners. Of course, the court complains that it does not have the resources to right all wrongs at courts below. But obviously the number of travesties would greatly diminish if the court were to instill discipline where in fact established principles are violated. However, this in turn would present a problem for the high court's own currency down below, as lower courts and agencies of government at various levels might resent more deeply the court's contrary opinions if enforcement were made absolute.[26]

Thus, one finds that in addition to being racketeer influenced, the Government is also a corrupt organization.

In view of *Roe v. Wade*, whether an analysis of monozygotic twinning with dichorionic placentation establishes the suggestion of personhood?

In *Roe v. Wade*, the high court reports:

> The appellee and certain *amici* argue that the fetus is a "person" within the language and meaning of the Fourteenth Amendment. In support of this, they outline at length and in detail the well-known facts of fetal development. If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the Amendment. The appellant conceded as much on reargument.

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[26] In part, this explains why the court's decisions tend to be loose; for by keeping decisions loose, it helps to hide the fact that the high court's decisions are sometimes being disregarded; this in turn helps to lessen any possible perception that the court's authority enjoys limited currency below. Instead, the high court can pretend that the courts and agencies below are simply making occasional mistakes in navigating the latitudes within the looseness of its decisions, but not mistakes that require essential review. There are other reasons for looseness on the part of the court, which looseness includes vagueness and loopholes of questioned applicability; for example, the high court having yet to relinquish its heritage of prejudice or two-faced biases, a loose decision where rights are concerned enables the law to be applied differentially; for another example see fn. 19.

Would it be surprising to find that the high court's belief that its trusted authorities "outline[d] at length and in detail the well-known facts of fetal development" is no longer accurate?[27] It suffices to say that even the high court's most trusted medical authorities such as the American Medical Association have not updated the court's understanding of the facts of human development.

To Supreme Court Rule 37.1 the court should add: "An *amicus curiae* brief that intentionally omits full or logical disclosure of matters presented in view of their relevance to the Court's appreciation will be held in contempt." Perhaps this problem can be best acknowledged in view of the painful era of slavery.

During that era, it was prohibited for African-Americans to read, and the public was kept from awareness of this ability. Instead, instances where reading was observed were described as tricks and those who produced such tricks were punished. In a similar way, the public has been kept from awareness that human babies *hatch* a few days after creation! Indeed, most members of the medical profession still remain in the dark about this early human *behavior*.

So, before getting too bewildered by the omission, the court may first wish to ask, "Under slavery, should the brief of an *amicus curiae* have explained to the Court that African-Americans can read, or should the brief have omitted this knowledge to suit popular prejudices?" I think it is easy to understand why amici such as the American Medical Association feel the latter view is still indicated by the court's inclinations. For based on the high court's inclination to accept popular prejudices about human life, and given the fact that the court, in the words of John Ashcroft, "has signaled very clearly" that "[w]e don't want to deal with" anything to the contrary of those prejudices, it should not be surprising that the high court's lack of understanding of the hatching event is on par with ignorance of the fact African-Americans can read, and that its trusted amici are in no way eager to dispel such prejudices. Of course not, for either they have their own objectives consistent with the prejudices, or like John Ashcroft they do not want to jeopardize their currency!

Before proceeding, I disclose that in addition to my unique legal and diplomatic standing, and in addition my common standing

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[27] Using the term "fetus" in the broadest sense, by "fetal development" it may be noted that the court meant to include development from conception to birth.

asserted under the Second Amendment, I also have unique economic interests in securing the rights of children at earliest life.

In what is likely the most notable error in the whole history of modern medicine, the practitioners of human in vitro fertilization have blatantly confused an incubator's thermostat reading with the temperatures of test tube babies inside the incubator. In U.S. Patent No. 6,694,175 (see Appendix E), which I hold, I correct the error according to a method based on infrared microthermography to focus in on each baby's temperature as distinct from the temperature of the baby's microenvironment as established by the incubator. For due to endogenous (internal) heat production on the part of each baby, the incubator thermostat is in no way a true measure of the baby's body temperature, any more than the wall thermostat is a measure of your temperature or mine! Instead, an incubator thermostat only measures the environmental temperature inside the incubator.

Accurate temperature-taking of body temperature is essential for accurate thermoregulation, and accurate thermoregulation forms the basis of any competent incubator system. Thus, no incubator for human preimplantation infants can be considered competent without employing my technology to monitor body temperature as compared to reliance on the incubator thermostat reading.

Unfortunately, practitioners of in vitro fertilization, steeped in their prejudices, would rather forsake my patented teaching than to recognize that the babies have *individual* temperatures that need to be *individually* monitored. Instead, in an effort to deny the patient status and human individuality of the children, practitioners insist on using crude, unimaginative incubation techniques, which are suitable only for the most primitive biological specimens. And based on the contempt this court has shown for the children, they do not feel any liability for such malfeasance. On the contrary, they expect approval for their willful and stubborn acts of prejudice!

In contrast, if the court reversed its prejudice in this respect, the medical profession would be instructed to care for children in the most sophisticated fashion. Consequently, based on the pertinence of my patented technology to the most sophisticated care, I would have a monopoly where incubator care for the preimplantation patient is concerned. Thus, in addition to fulfilling professional objectives, this also implies sizeable economic interests on my part.

The court may be somewhat bewildered to learn that so many doctors and scientists could have been so incompetent as to confuse

a thermostat reading with body temperature. It would be as if a nurse simply checked the wall thermostat when making rounds, rather than using a patient thermometer! Yet this again raises an issue that the high court should have foreseen, namely, that by subscribing to the practice of concepticide, the court has derailed medical progress and the standard of modernity.

An advantage of my technology is that it gives the nation a chance not only to stop harming the children, but also to begin caring for them using sophisticated skills at the beginning of their lives. In learning to care for the children, it is important to learn more about them. For this reason, we should use correct terminology and have a competent understanding of their lives and development.

Competently speaking, a human infant is an embryo only from conception to hatching, and a hatchling only from hatching to implantation. Hatching is an early human behavior, observable when the infant breaches the shell of his or her egg.

Up until the mid-1900s or so, doctors used to call the baby an "ovum" throughout pregnancy. When a woman miscarried at, say, eight months, they would speak of "when a woman loses her ovum". They also called the birth sac the "ovisac". The reason for this error was that they thought the egg "attached" to the uterus and expanded with a soft eggshell. Since eggshells are produced maternally, they assumed that the tissues they called the "placenta" were maternal in origin. However, cytogenetic studies revealed that the tissues are the baby's! Thus, they abandoned use of the term ovum in this manner. Similarly, one is assured that, having recognized the hatching event, to call a baby an "embryo" after hatching would be like calling the baby an "ovum" throughout pregnancy. In other words, it is simply incorrect.[28] Unfortunately, few physicians are aware of the hatching event, and most of those few are confused by it still. Instead, most physicians still believe an egg attaches to the uterus, when in fact eggs have no properties that would enable such action!

Correctly understood, hatching is an early human behavior, observable when an embryo breaches the eggshell. Note that surgically assisted hatching, in which holes are surgically made in the eggshell in anticipation of hatching, confirms the animated

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[28] In recent editions (1994, 2000) Dorland's Medical Dictionary has vacillated over its definitions of "embryo" and "preembryo" (introduced in 1994) and none are correct. The term preembryo is nonsensical, and Dorland's effort to redefine the term embryo is incapable. Dorland's also omits an entry for "hatching".

nature of the hatching behavior, since an exit based on a pressure mechanism would be impossible when multiple holes are made present in the shell. This understanding should be clear from the standpoint of biophysics, for notably the embryo would be unable to prefer one hole over another based on a pressure mechanism, and even so back pressure would escape through an opposing hole, thus making it impossible to hatch without involving actual movement. Consequently, hatching is correctly understood as a human behavior involving a type of *movement.*

Before considering the early anatomy of the human infant we must account for another oversight—one for which we now have the benefit of the space age to give us a clue. Unfortunately, doctors did not fully abandon the notion of a placenta. For this reason, they did not arrive at the realization that the baby literally has a spacesuit, and that this is really the proper medical term. By proper distinction, the so called "placenta" also contains a bit of maternal tissue, whereas the "spacesuit" is purely a creation of the baby's own body.

Referring to FIG. 3, in later development the baby's spacesuit **1** has three main parts: the cord **2**, the covering **3**, and the plug **4**. FIG. 4 shows the cord **2** and the plug **4** without the covering. Thus, like a power cord, the cord **2** has a plug **4** at the end. The plug **4** is what attaches to the mother's body; the spacesuit plug **4** plugs the baby's spacesuit **1** into the maternal body. The cord **2** goes from the baby's belly button to the inside wall of the spacesuit covering **3**, and the plug **4** is found on the outside wall, opposite the cord **2**.

The contact between the spacesuit plug **4** and the mother's body is hemochorial; this means that the tissues of the plug **4** are bathed in the mother's blood, and resources and wastes are passed by diffusion, but that the blood of mother and baby do not come into direct contact except in abnormal conditions.[29]

FIG. 3 shows the baby's whole body in relationship to the baby's spacesuit **1** and to the astronaut **5** inside the spacesuit. The astronaut portion **5** is called the baby's formal body; this is the part that goes home in the car seat from the hospital. The spacesuit **1** is called the baby's peripheral body. Together, the formal body and the peripheral body make up the baby's whole body. The whole body is called the "conceptus" **6**. The peripheral body is discarded at birth because the baby no longer needs his or her spacesuit.

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[29] William's Obstetrics, p. 18.

Remember, the spacesuit is entirely composed of the baby's body tissues. However, when the spacesuit is unplugged at birth, a bit of the mother's tissue will be pulled away where the plug was attached; also, although some maternal tissue clings to the rest of the spacesuit, which is smooth, the place where the spacesuit is plugged in is the only place where mother and baby are "attached".

The baby needs a spacesuit to survive inside the mother's body, so one of the first things the baby builds is his or her spacesuit. The baby has already formed a basic spacesuit by the time he or she is ready to leave the shell of the egg. FIGS. 5 & 6 show respective photographic and drawing views of a human baby who is naturally hatching with no external assistance. The baby's formal body **7** is snuggled up against the inside wall of the spacesuit covering **8** which forms the baby's peripheral body. There is no umbilical cord or plug for the spacesuit yet. At hatching time, which takes place about 5-6 days after fertilization, the baby's body has a little over 100 cells; the cells of the baby's spacesuit **8** are much larger than those of the baby astronaut's formal body **7**; the baby's spacesuit **8** is filled with fluid **9** inside. The baby breaches the eggshell **10** through a hole **11**; the hole **11** starts out small and then gets bigger as the baby hatches. Hatching babies rely on molecular computing inside their cells for brain power; brain power is rooted in molecular computing, and the neurons formed later simply serve as interconnects. Hatching is an early human *behavior*. FIG. 7 shows in a simplified way how the baby will develop after hatching. The baby hatchling will implant formal body first; meaning the formal body faces the uterine wall. Note that the whole body is called the baby and the formal body is also called the baby, because the formal body is the baby astronaut part, whereas the peripheral body is just the spacesuit. First the baby is snuggled up against the inside wall of the spacesuit so as to absorb resources directly through the covering of the spacesuit. But then upon implanting the baby grows a plug to plug the spacesuit into the mother's body, and the umbilical cord is formed between the baby's formal body and the spacesuit covering; then the little astronaut will dangle in the spacesuit, floating freely in the amniotic fluid.

In addition to knowing that babies are individual people at earliest life because we see them hatch and we know the distinction between the baby's own body and the mother's, we also know by analysis that babies are biological individuals at conception based on knowledge of monozygotic twinning with dichorionic placentation

(FIG. 8). In this earliest case of asexual reproduction, twin babies develop in a remarkably individual way, even though one starts life pressed against the other in the same egg, and even though their cells have nearly identical genetic makeup. Because this analysis confirms individuality at conception beyond reasonable doubt, the suggestion of personhood is established, because it is clearly anti-social to deny person status to a human individual.

Whether the high court has a problem saying no to drugs and abortion?

Drugs such as caffeine, nicotine, marijuana, Ritalin, Prozac, Paxil, and Zyprexa form a class known as psychotropic substances. If we liken the human brain to a personal computer endowed by the Creator with a "natural high" operating system, psychotropic drugs are drugs that change the operating system of the mind. For example, instead of running on the natural high operating system, you may be running instead on the caffeinated operating system.

One need only examine a chart for Starbuck's stock[30] or read *Sell v. United States* to realize that this court, like the nation, has a serious drug problem. The court's problem saying no to drugs goes along with its problem saying no abortion, because, like the nation as a whole, the court has a problem rationalizing.[31] Psychotropic drug use (e.g. caffeine use) goes hand-in-hand with rationalization.[32]

There is no doubt that a big push for legalized abortion came from rampant drug use in the 1960s. But, of course, it was not only the pot-smoking hippies who were to blame, but also the peach-fuzz mommy's boys who took "the stork" for an answer.[33] It is thus seen that legal abortion is linked to the capacity for rationalization.

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[30] Nasdaq symbol SBUX.

[31] In the sense used in this petition, rationalizing means devising incorrect reasons for one's beliefs or behaviors based on a pretense of logic or acceptance.

[32] When the nation is looking for a way to rationalize, the American Psychiatric Association (APA) shows up as a notable amicus to suggest validation. Thus, it is not surprising that the APA advocates both abortion and magic pills.

[33] Growing up in the comfy world of Mom's happy new kitchen appliances, mommy's boy in the 1950s literally thought Robby the Robot would be there to take care of his chores and responsibilities by the time he grew up. But by the time he did grow up in the 1960s, Robby was not there, and young women were having a terribly difficult time dealing with mommy's boy's problems and his increasing disinclination to accepting responsibility. A young man, mommy's boy was found wandering around complaining about "hassles". So in part, it was mommy's boy's

The biblical story known as the story of Abraham and Isaac is rendered with subtle tact for the Bible.[34] But by removing this tact and subtlety, we may consider the shocking story itself: The ancient Hebrews were obsessed with ritual infanticide of the first born son as if it were a fitting sacrifice to God. Reading between the lines, when Abraham's first son was born, he argued on technical grounds that this one did not count as a fitting sacrifice because his mother was a second wife; and thus the life of Ishmael was spared. But when his son Isaac was born of his first wife, the clan insisted that Abraham, the clan leader, go to the altar of sacrifice, which he did. But rather than killing his son, Abraham instead came back and said in effect, "God told me we don't do this anymore."

And so the story of Abraham and Isaac recalls the profound record of a primitive clan's departure from the dark practice of ritual infanticide. In this light, Abraham is shown to be a great patriarch because he led his clan out of the slavery of infanticide, like Moses later led the Jews out of their slavery in Egypt.

Today, we need a modern-day Abraham to lead our primitive nation out of the practice of pre- and perinatal infanticide. It calls for a moment in human history no less profound than the day when the patriarch Abraham came back from the altar of sacrifice with his son Isaac and said, "We don't do this anymore."

CONCLUSION

The petition for an extraordinary Writ of Habeas Corpus should be granted.

Respectfully submitted,

Mr. Eurica Californniaa, Amb.
Juridic Embassy

Date: August 28, 2004

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new attitude that sparked the women's movement and demand for abortion, seeing how so many young men no longer accepted traditional male responsibility.

[34] Genesis 16, 17, 18:1-15, 20, 21:1-21, 22:1-19.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 95-0709 HLH
Date June 14, 1995
Title Eurica Californniaa v. William Rehnquist

DOCKET ENTRY

PRESENT:

HON. Harry L. Hupp, JUDGE
Milli Borgarding, Deputy Clerk

ATTORNEYS PRESENT FOR PLAINTIFFS: None Present
ATTORNEYS PRESENT FOR DEFENDANTS: None Present

PROCEEDINGS: Order Striking Petition

ORDER (also, if applicable, findings and memorandum opinion):

This action has already been dismissed. Thus, the "Request for Habeus [sic] Corpus and Stay of Execution" motion is stricken.

Initials of Deputy Clerk: //s//

Filed: June 8, 1995. Clerk U.S. District Court Central District of California by //s// Deputy.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

EURICA CALIFORRNIAA, Plaintiff, v. WILLIAM H. REHNQUIST, Chief Justice, U.S. Supreme Court; Defendant.	No. CV 95-0709-HLH (JRx)

REQUEST FOR HABEAS CORPUS AND STAY OF EXECUTION; PETITION FOR HABEAS CORPUS AND STAY OF EXECUTION.

REQUEST FOR HABEAS CORPUS AND STAY OF EXECUTION

Plaintiff Eurica Californniaa respectfully requests that this Court grant the attached petition for habeas corpus and stay of execution. This request comes on the need of immediate remedy from loss of human life to plaintiff's diplomatic dependents which would imminently occur otherwise without the requested relief being granted during the course of appeal to another court.

Plaintiff's dependents in question comprise the Unborn class of all human organisms, namely, each and every human organism to be found either in gestation or in physical need thereof; moreover, each of these dependents enjoys full diplomatic immunity by virtue of the Universal Nation of the Church of Nature, and is declared thereby as a physical person in the whole human sense, to be protected everywhere with the utmost human respect.

Date: June 7, 1995.

//s//

EURICA CALIFORRNIAA

PETITION FOR HABEAS CORPUS AND STAY OF EXECUTION

Plaintiff Eurica Californniaa asks this Court to now grant Habeas Corpus relief under the U.S. Constitution, and to stay the (human) Unborn class, including all extrauterine embryos/fetuses, from all lethal/harmful executions, inclusive of procured (human) abortion and any related means of embryo/fetus destruction/harm. Grounds for the requested relief should be found as follows:

1. U.S. abortion policy fails to recognize the Unborn class as (physical) persons in the whole sense.

2. This Court has refused other forms of relief to plaintiff and consequently to the Unborn class; hence, the only remaining forms of constitutional relief now fall under Habeas Corpus, and, as defendant William H. Rehnquist hints at in his Motion to Dismiss, under the Second Amendment.

3. The direct and voluntary killing of an innocent human being is always gravely immoral; the members of the Unborn class have no means to provoke, nor do they represent justifiable provocation, nor have they committed any physical or moral wrong.

4. Distinction between "the human organism" and "the human being" is merely hypothetical; and, hypothetical distinction between "the human organism" and "the human being" has never been tested by way of a fair trial in any U.S. court of law.

5. Judicious persons are bound by conscience to protect the Unborn class using all necessary means.

Date: June 7, 1995.

//s//

EURICA CALIFORRNIAA

PROVISIONS OF LAW

The Constitution of the United States of America

Preamble

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Art. 1, Sec. 9, Cl. 2

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Amend. I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amend. II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amend. IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amend. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amend. VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amend. XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

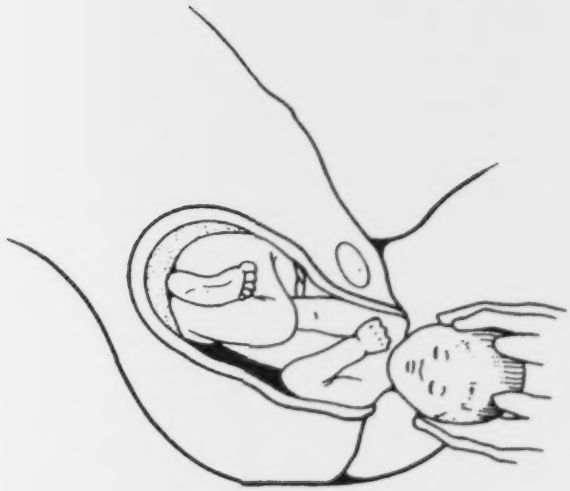
Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male

inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.



Delivery with Cephalic Presentation

FIG. 1

Reference: Danforth's obstetrics and gynecology. 9th ed. Philadelphia: Lippincott Williams & Wilkins, 2003. p. 38, Fig. 2.5F.

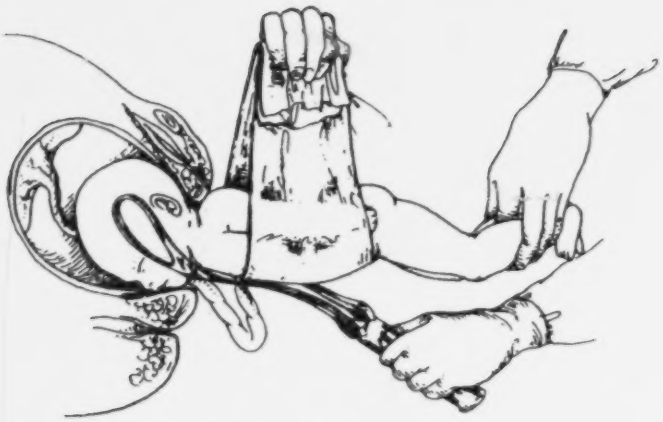


FIG. 21.3. Breech delivery with Piper forceps to the aftercoming head. Note that the infant's body is being supported parallel to the floor.

Delivery with Breech Presentation

FIG. 2

Reference: Danforth's obstetrics and gynecology. 9th ed. Philadelphia: Lippincott Williams & Wilkins, 2003. p. 388, Fig. 21.3.

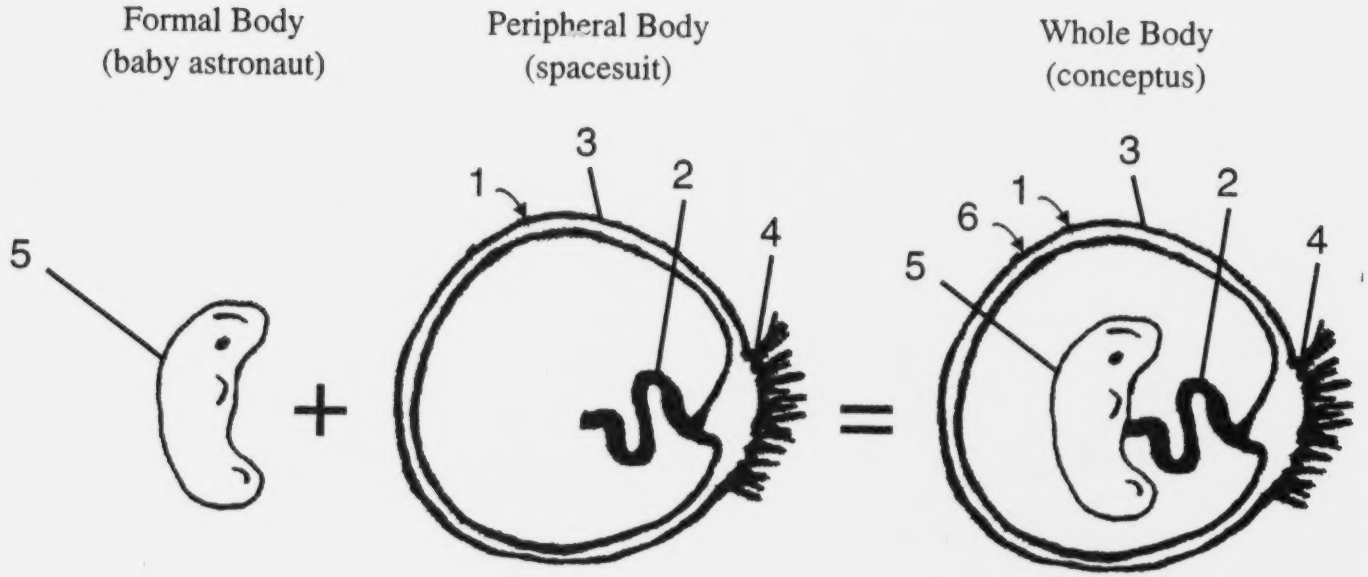
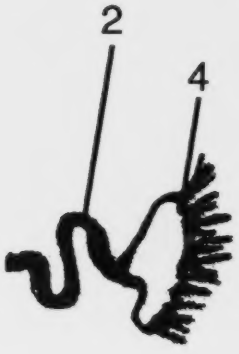


Diagram of the Anatomy of a Conceptus

FIG. 3

1 – baby's spacesuit; **2** – cord; **3** – covering; **4** – plug; **5** – baby astronaut; **6** - conceptus ("whole baby").



View Isolating Cord and Plug of Infant's Spacesuit

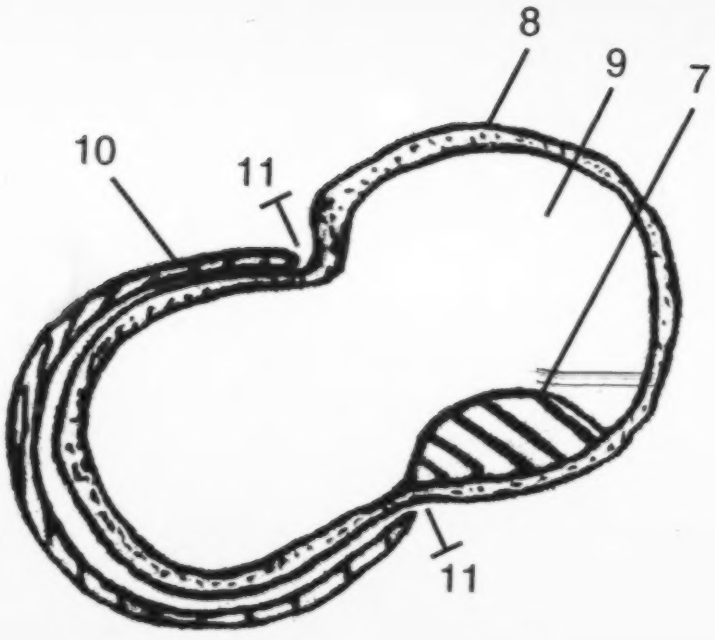
FIG. 4

2 – cord; **4** – plug.

Baby Hatching
(Photo)

FIG. 5

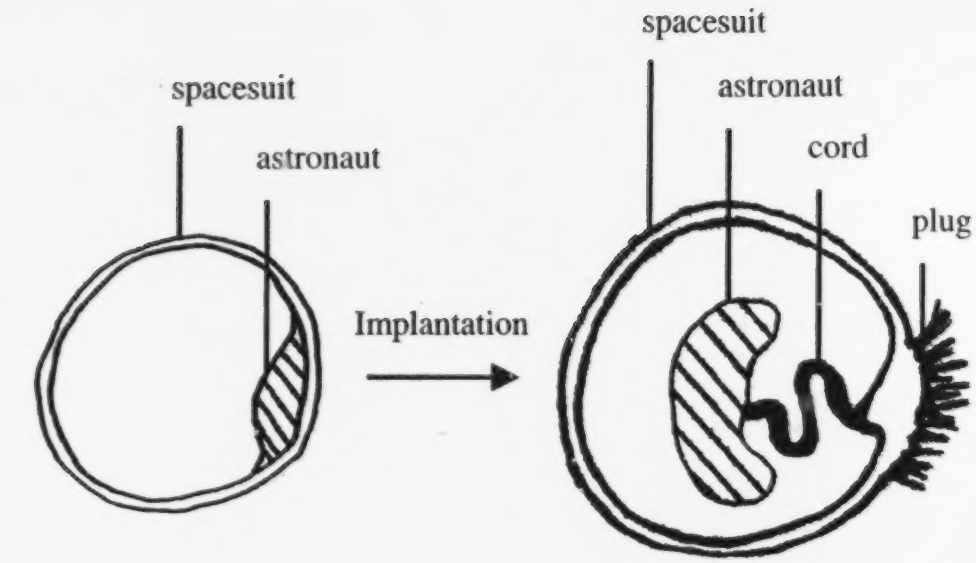
Reference: http://www.ivf.com/images/hatch.jpg. Photo of baby hatching. Georgia Reproductive Services, IVF.com. (accessed 8/13/2004).



Baby Hatching
(Simplified Cross-Sectional View)

FIG. 6

7 – formal body ("baby"); **8** – baby's spacesuit; **9**-fluid; **10** – eggshell; **11** – hole in egg.



Origin of the Cord and Plug in Spacesuit Development

FIG. 7

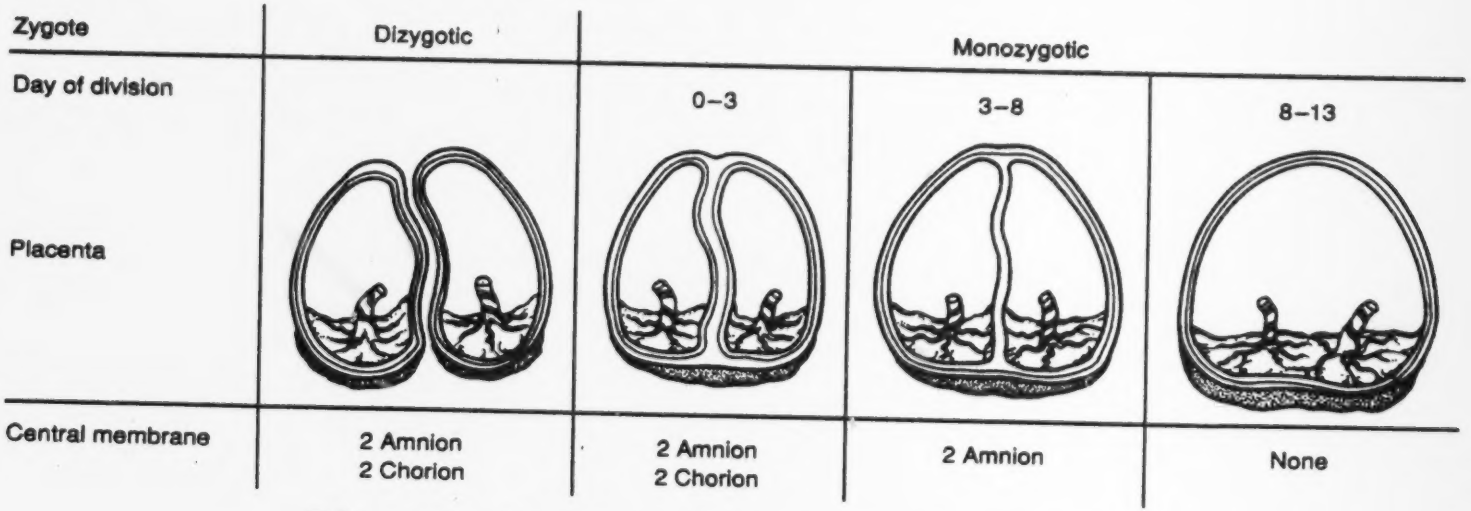


FIG. 1. Types of placentation in monozygotic and dizygotic twinning.

Diagram of "Placentation" Types

FIG. 8

Reference: Danforth's obstetrics and gynecology. 8th ed. Philadelphia: Lippincott Williams & Wilkins, 1999. pp. 293-4, Fig. 1.

US006694175B1

(12) **United States Patent**
Californiaa

(10) **Patent No.: US 6,694,175 B1**
(45) **Date of Patent: Feb. 17, 2004**

(54) **METHOD OF MONITORING THE BODY TEMPERATURE OF HUMAN EMBRYOS AND HATCHLINGS**

(76) Inventor: **Eurica Californiaa**, P.O. Box 2328, Malibu, CA (US) 90265-7328

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 175 days.

(21) Appl. No.: **10/079,955**

(22) Filed: **Feb. 19, 2002**

(51) **Int. Cl.**[7] **A61B 5/00**; A61B 5/01

(52) **U.S. Cl.** **600/474**; 600/22; 236/2; 237/3

(58) **Field of Search** 600/473, 474, 600/475, 407, 22, 427, 549, 310; 250/330, 316.1, 338.1, 472.1; 435/289.1, 303.1, 305.2; 209/510, 511; 73/861.95; 236/2–5; 237/3; 607/88, 90–96, 102; 374/100, 120, 121, 132, 133, 141, 145, 163

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Primary Examiner—Eleni Mantis Mercader

(57) **ABSTRACT**

Infrared microthermography for human embryos and hatchlings. Body temperature is monitored using an infrared camera attached to a microscope. Body temperature is maintained by passing body temperature data through a feedback loop that serves to control body temperature. Keeping the baby's fluid incubation medium lower than an optimum body temperature ensures that cooling can occur if the body becomes overheated. An added source of heat is provided by one or more infrared light emitting diodes focused on the body as tiny heat lamps. The heat lamps are cycled on and off or varied in intensity in accordance with indications (data) from body temperature measurements.

1 Claim, No Drawings

Appendix E1

Copy provided by USPTO from the PIRS Image Database on 02-22-2004

METHOD OF MONITORING THE BODY TEMPERATURE OF HUMAN EMBRYOS AND HATCHLINGS

BACKGROUND OF THE INVENTION

1. Field of the Invention

In general terms, my invention relates to in vitro medical care for the pre-implantation patient. More specifically, my invention relates to a new use for quantum well infrared photodetector (QWIP) technology: monitoring and maintaining the body temperature of human embryos and hatchlings in an engineered environment. The engineered environment is preferably a micro intensive care unit (μICU).

A human is an embryo only from conception to hatching. Hatching is an event that takes place when an embryo escapes the shell of the egg that he or she was conceived in. A human is a hatchling only from hatching until implantation (nidation).

2. Prior Art

The quantum well infrared photodetector (QWIP) camera was invented by Sarath Gunapala at NASA's Jet Propulsion Laboratory. (U.S. Pat. No. 6,211,529. Gunapala et al. Infrared radiation-detecting device.) QWIP technology has yielded one of the most sensitive yet affordable handheld long-wavelength infrared cameras. A QWIP camera may have a thermal sensitivity as sharp as 20 mK (twenty thousandths of one Kelvin degree). OmniCorder Technologies (Stony Brook, N.Y.) manufactures its BioScanIR System for imaging and recording thermal data from adult, pediatric, and neonatal patients using a QWIP camera.

Infrared cameras are generally better at picking out actual differences in temperature than they are at picking out actual temperatures. A measure of imaging performance, thermal sensitivity validates a numerical difference between two or more temperature measurements on a thermal imaging map. This form of relative measurement is meant to reflect a real temperature difference between points on the map. In contrast, thermal accuracy validates a numerical identity between a temperature measurement and the corresponding real temperature. This form of absolute measurement is meant to establish a number reflecting the real temperature of a point on the map. A point on the map can serve as a reference temperature when it is known with greater thermal accuracy than the thermal accuracy specified for the camera. Depending on the accuracy of the reference, the camera may yield an effective thermal accuracy nearly equal to its thermal sensitivity.

Heat lamps emit infrared radiation to provide a heating source. Heat lamps are often used to warm neonates, especially if they are born premature. An infrared light emitting diode (LED) emits infrared radiation on a very small scale. The shell of a human embryo's egg covers an inner diameter of approximately 100 microns (0.1 millimeters) at fertilization and has a spherical shape. Because human embryos and hatchlings are so small, an infrared LED can generate enough heat to warm the baby.

Miriam Menkin discovered the first reported human in vitro fertilization in 1944, with support from Harvard physician John Rock. (Marsh M. and Ronner W. *The Empty Cradle: Infertility in America from Colonial Times to the Present*. Baltimore, Johns Hopkins University Press, 1996. p. 171–209.) Death of the child introduced the problem of "miscarriage in vitro". Today there is a growing effort to

reduce miscarriage in vitro by engineering better environments. Yet this effort has been impeded by some experts who prefer unimaginative reliance on crude petri dish methods.

We are arriving at the point where as humans we will be able to care for our children from conception with the utmost intelligence and resource. Ironically, the last steps are not technology. They are simply courage.

Although micromanipulation techniques and petri dish practices have been employed since the inception of human in vitro fertilization, the advent of a new branch of engineering called micro electro mechanical systems (MEMS) has sparked interest in improving the technology of in vitro fertilization. To this end, David Beebe et al. have invented a MEMS-based means of providing embryos and hatchlings with fluidic ventilation. (U.S. Pat. No. 6,193,647. Beebe et al. Microfluidic embryo and/or oocyte handling device and method.)

By promoting child health and strength up until the time of being introduced to the maternal body, engineered environments will make pregnancy more survivable for children created and first cared for outside the maternal body. This benefit comes in addition to the benefit of reducing in vitro miscarriage itself.

My institution, Juridic Embassy, has sponsored new progress in fertility care, in an effort to advance diplomatic regard for the rights of children as patients in medicine. As a consequence of my research in this area, I initiated the Micro ICU Project in response to the general lack of care being provided to children created by in vitro fertilization. The synergy of the project was created by the needs of the children in light of impressive new engineering technologies, particularly MEMS. Using integrated microfabrication technologies (IMT) such as complementary metal oxide semiconductor technology (CMOS) and MEMS, as well as various large-scale technologies, the goal of the project is to perfect an elaborately engineered environment called a micro intensive care unit, or μICU, for human embryos and hatchlings.

One objective of the Micro ICU Project is to provide a means to monitor and maintain body temperature. This objective provides the subject matter of my present invention.

3. Statement of the Necessity

In modern fertility programs, human embryos and hatchlings are incubated outside the maternal body in a fluid incubation medium. Prior art methods of temperature monitoring and maintenance rely exclusively on a measurement of the temperature of the fluid incubation medium. The temperature of the medium is set to 37 degrees Celsius using a temperature-controlled incubator oven or microscope stage warmer.

However, because of endogenous heat production, which is the heat produced by a baby's own body, the baby's body temperature can differ from the ambient temperature of the surrounding environment or medium. Accordingly, the baby can become overheated, leading to exhaustion, dysfunction, and death, when only the temperature of the environment is controlled. (Cone T. E. Jr. *History of the Care and Feeding of the Premature Infant*. Boston: Little, Brown, 1985. p. 21–22.) Thus, a problem with the prior art in the field of in vitro fertilization is its focus on the temperature of the fluid incubation medium, instead of on body temperature itself.

What is needed to modernize the art of in vitro fertilization is a method to monitor and maintain the baby's actual body temperature.

BRIEF DESCRIPTION OF THE INVENTION

To monitor the body temperature of a human embryo or hatching: attach a quantum well infrared photodetector

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(QWIP) camera to a microscope and use appropriate computer technology to thermally image the embryo or hatchling.

To maintain the body temperature of a human embryo or hatchling: keep the fluid incubation medium slightly below optimum body temperature to ensure cooling can occur if the body becomes overheated; provide an added source of heat by focusing tiny heat lamps on the body of the embryo or hatchling; cycle the heat lamps on and off or apply them with varying intensity to maintain optimum body temperature in accordance with body temperature measurements obtained by the above-stated monitoring method.

DETAILED DESCRIPTION OF THE INVENTION

The main thrust of my invention is to employ an infrared camera to monitor the body temperature of a human embryo or hatchling under a microscope. The embryo or hatching is kept in a fluid incubation medium in an engineered environment.

My invention prefers a quantum well infrared photodetector (QWIP) camera with a high thermal sensitivity (20 mK), such as the ThermaCAM® SC 3000 from FLIR Systems (North Billerica, Mass.), although other infrared technology can be substituted. To effectively enhance the thermal accuracy of the camera, a reference temperature can be obtained (for example, by thermocouple) with respect to the fluid incubation medium or other point in the camera's field of view. Although the camera can be fitted with its own microscope lens, my invention prefers attachment of the camera to the camera port of an inverted microscope—the microscope having a camera port and being suitable for visualizing the body of a human embryo or hatching; for example, the IX70 Inverted Research Microscope from Olympus America (Melville, N.Y.). By employing means of computer technology to process, store, and display output from the camera, my invention enables medical practitioners to thermally image the body temperature of each embryo or hatchling who is visualized under the microscope.

To maintain optimum body temperature for a human embryo or hatchling, a means of cooling the body must be provided for when the baby's temperature is too high, and a means of warming the body must be provided for when the baby's temperature is too low. A preferred determination of low or high temperature is made by comparing data from the QWIP camera with an established value for optimum body temperature. Although an assortment of means for cooling and heating can be described or anticipated, my invention prefers heat lamps as the means of heating and further prefers a cool fluid incubation medium as the means of cooling. To provide a means of cooling, the fluid incubation medium is kept slightly cooler than the optimum body temperature. To provide a means of heating, one or more infrared light emitting diodes are employed as tiny heat lamps focused on the body to provide an added source of heat when needed to offset the ambient coolness of the fluid incubation medium. The heat lamps are cycled on and off or varied in intensity to maintain the optimum body temperature, in accordance with body temperature measurements obtained preferably by the above-stated monitoring method.

I claim:

1. A method of monitoring an actual body temperature of a human embryo or hatchling and maintaining an optimum body temperature of the human embryo or hatchling comprising:

(a). attaching a quantum well infrared photodetector camera to a microscope, the microscope having a camera port and being suitable for visualizing the body of a human embryo or hatchling;

(b). employing means of computer technology to process, store, and display output from the quantum well infrared photodetector camera, so as to thermally image and measure an actual body temperature of the human embryo or hatchling who is visualized under the microscope and which said actual body temperature can differ from an ambient temperature of a fluid incubation medium;

(c). maintaining the human embryo or hatchling in the fluid incubation medium, wherein the ambient temperature of said fluid incubation medium is being kept slightly cooler than required for an optimum body temperature of the human embryo or hatching so as to ensure cooling if the body of the human embryo or hatchling becomes overheated;

(d). providing an added source of heat by focusing one or more tiny heat lamps on the body of the human embryo or hatchling;

(e). cycling the tiny heat lamps on and off or varying them in intensity to maintain the optimum body temperature, by comparing the actual body temperature of the human embryo or hatching obtained in step (a) and step (b) with the optimum body temperature.

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